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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SNOHOMISH**

MASTER BUILDERS ASSOCIATION OF  
KING AND SNOHOMISH COUNTIES, et  
al.,

Plaintiffs,

vs.

THE CITY OF EVERETT,

Defendant,

and

STANDING FOR NATURE,

Intervenor-Defendant.

NO. 25-2-00902-31

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT**

THIS MATTER came before the Court on *Plaintiff's Motion for Summary Judgment*, filed on August 14, 2025, and noted for hearing on October 24, 2025, at 9:30 A.M. before the Hon. Jennifer R. Langbehn. The Court considered the following:

1. Plaintiffs' Motion for Summary Judgment and the declarations and exhibits in support thereof;
2. Defendant City of Everett's Response to Plaintiffs' Motion for Summary Judgment and the declarations and exhibits in support thereof;
3. Intervenor-Defendant Standing for Nature's Response to Plaintiffs' Motion for Summary Judgment and the declaration and exhibits in support thereof;

- 1 4. Plaintiffs' Reply in Support of Plaintiffs' Motion for Summary Judgment;
- 2 5. All papers and pleadings on file; and
- 3 6. Arguments of counsel.

#### 4 I. DISCUSSION

5 This case arises out of Everett Initiative 24-03, which was passed by Everett City  
6 voters in November 2024. The Initiative purported to grant the Snohomish River Watershed  
7 certain rights and legal standing to protect or enforce those rights.  
8

9 On January 28, 2025, Plaintiffs filed a lawsuit challenging the validity of the Initiative  
10 against Defendant City of Everett. In their complaint, Plaintiffs requested both declaratory  
11 and injunctive relief.

12 In March 2025, Intervenor-Defendant Standing for Nature filed a motion to intervene,  
13 which was granted by the court, and additionally attached a motion for dismissal of the  
14 lawsuit, which was not ruled upon. After its motion to intervene was granted, Standing for  
15 Nature again moved for dismissal of the lawsuit, which the Court took under advisement. In  
16 May 2025, this Court denied Intervenor-Defendant's motion for dismissal, specifically  
17 holding that Plaintiffs do have standing to challenge the Initiative, and that their claims for  
18 declaratory and injunctive relief were justiciable.  
19

20 On August 14, 2025, Plaintiffs filed this motion for summary judgment, arguing that  
21 the Initiative exceeded the scope of the local initiative power. Defendant City of Everett joined  
22 in supporting Plaintiffs' motion for summary judgment. Intervenor-Defendant submitted an  
23 opposition to the motion for summary judgment.  
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1 Statewide initiatives are protected by the State Constitution and local initiatives are  
2 governed by local jurisdictions. Local initiatives permit residents to propose new, local  
3 legislation, which is a vital tool in the framework of a democratic government. As seen with  
4 Initiative 24-03, local initiatives provide an avenue for concerned citizens to establish laws or  
5 rights under certain circumstances where they believe existing laws to be insufficient.  
6

7 However, local initiative power is not unlimited. Local initiatives must be legislative  
8 in nature, and must not interfere with authority delegated to local governments or conflict with  
9 existing laws or superior regulations.

10 Washington courts apply two primary tests to assess whether an initiative is  
11 impermissibly administrative, which are most clearly articulated in *Jewels Helping Hands v.*  
12 *Hansen* (2025):

- 13 1. “[W]hether the subject is of a permanent and general character [legislative and  
14 permissible] or of temporary and special character [administrative and  
15 impermissible]” (the ‘permanent-temporary’ test), and
- 16 2. “[W]hether the proposition is one to make new law or declare a new policy  
17 [permissibly legislative], or merely to carry out and execute law or policy already in  
18 existence [impermissibly administrative] (the ‘new law/execute law’ test)”.

19 *Jewels Helping Hands v. Hansen*, 4 Wn.3d 665, 687 (2025) (quoting *Ruano*, 81 Wn.2d at 823-  
20 24 (1973)).

21 An initiative may also be considered impermissibly administrative in nature if it  
22 “furthers (or hinders) a plan the local government or some power superior to it has previously  
23 adopted.” *Spokane Entrepreneurial Ctr. v. Spokane Moves to Amend Const.*, 185 Wn.2d 97,  
24 107 (2016) (quoting *Our Water—Our Choice!*, 170 Wn.2d at 10 (2010)). In *Spokane*  
25 *Entrepreneurial*, which this Court finds dispositive, the court held that even though the  
26 initiative at issue in that case (also a water-rights initiative) did not create its own regulatory

1 scheme, it was still impermissibly administrative in nature because it “would deal with how  
2 an existing regulatory scheme is implemented.” *Id.* at 109.

3 Here, the proponents of Initiative 24-03 have sought to grant legal standing to the  
4 watershed itself to enforce laws and regulations governing activities in, on, or affecting the  
5 watershed, and to alter the rights or regulations currently established by law. Initiative 24-03,  
6 while permanent, and therefore possibly legislative, is impermissibly administrative because  
7 it is a mechanism for carrying out existing laws or policies and furthers or hinders a plan the  
8 “local government or some power superior to it has previously adopted.”

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10 Additionally, the Initiative conflicts with multiple existing federal and state laws and  
11 comprehensive policy schemes including the federal Clean Water Act; Washington State’s  
12 water laws, Growth Management and Shoreline Management Acts; and the City of Everett’s  
13 Stormwater Management Program Plan, all of which govern the water rights of the watershed.  
14 Just like the initiative in *Spokane Entrepreneurial*, this initiative’s provisions are “directly  
15 contrary to the water rights system established by the State and is outside the scope of the  
16 City’s authority.” *Spokane Entrepreneurial*, 185 Wn.2d at 109. The Supreme Court’s  
17 decision in that case is binding on this Court.

18  
19 Finally, the initiative interferes with powers delegated to the City Council. The  
20 Growth Management and Shoreline Management Acts delegate the authority to develop  
21 comprehensive growth plans and regulations to city councils. A local initiative exceeds its  
22 permissible scope if it “involves powers granted by the legislature to the governing body of a  
23 city.” *Mukilteo Citizens for Simple Government v. City of Mukilteo*, 174 Wn.2d 41, 51, 272  
24 P.2d 227 (2012) quoting *City of Sequim v. Malkasian*, 157 Wn.2d 251, 261, 138 P.3d 943  
25 (2006).  
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1 Summary judgment is appropriate when there is no genuine issue of material fact, and  
2 the moving party is entitled to a judgment as a matter of law. Here, summary judgment is  
3 appropriate because there is no genuine issue of material fact as to whether Initiative 24-03  
4 exceeds the scope of the local initiative power: *it does*, and Plaintiffs are entitled to judgment  
5 as a matter of law.  
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8 **II. ORDER**

9 Having reviewed the pleadings filed and considered the arguments of the parties and  
10 deeming itself fully advised, NOW, THEREFORE, the Court GRANTS Plaintiffs' Motion for  
11 Summary Judgment and finds and holds Plaintiffs are entitled to a declaratory judgment that  
12 Initiative 24-03 exceeds the scope of the local initiative power and is therefore invalid.  
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14 It is so ORDERED.

15 DONE this 19th day of November, 2025.

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20 THE HONORABLE JENNIFER LANGBEHN  
21 Snohomish County Superior Court Judge  
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